

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

PRESENT: Supervisors Harry L. Ovitt, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Shirley Bianchi

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM AGN

1 A-1 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:**

AYES: Supervisors Ovitt, Ryan, Pinard, Achadjian, Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2002-502, resolution recognizing the San Luis Obispo County Sheriff's Posse, adopted.

Supervisor Achadjian: reads the resolution and presents the same to Sheriff Pat Hedges.

Sheriff Hedges: thanks the Board for recognizing these volunteers; indicates the resolution said it all.

2 B-1 This is the time set for members of the public wishing to address the Board on items thru set on the Consent Agenda.
 B-15

Chairperson Bianchi: opens the floor to public comment without response

Consent Agenda Item B-4 is withdrawn. Item B-1 is amended by changing the coversheet correcting the Annexation number to No. 20. Item B-7 is amended by replacing the staff report to correct the statistics given on the number of fatalities and injuries. Item B-15 is added to the Consent Agenda. **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

AYES: Supervisors Achadjian, Ryan, Ovitt, Pinard, Chairperson Bianchi
NOES: None
ABSENT: None

Consent Agenda Items B-1 through B-15 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-15, as amended, are on file in the Office of

the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

- B-1 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment for Annexation No. 2 to the Templeton Community Services District, **Approved as amended.**
- B-2 **RESOLUTION NO. 2002-503**, reviewing the conflict of interest code of the San Luis Obispo Coastal Unified School District, **Adopted.**
- B-3 Employee contract with Janette Pell as County Chief Information Officer, **Approved.**

General Services Items:

- B-4 Request to approve termination of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Withdrawn.**
- B-5 Agreement with Kajima Construction Services to place security deposits in lieu of retention in escrow for the New County Government Center, **Approved.**
- B-6 Use permit agreement with San Luis Obispo Railroad Museum, Inc., to occupy a portion of County owned property located off of Ontario Road adjacent to the Avila Bike Trail for temporary storage purposes, **Approved.**

Public Health Items:

- B-7 Request to authorize the Director of Public Health to sign an agreement (Clerk's File) with the State Department of Traffic Safety to continue funding for the Child Passenger Safety Seat Program and future certifications and amendments, **Approved as amended.**
- B-8 Agreement (Clerk's File) with the United States Department of Agriculture Wildlife Services to provide staff for integrated wildlife damage management, **Approved.**
- B-9 Amended agreement (Clerk's File) with the State Department of Health Services Drinking Water and Environmental Management Branch to reimburse Environmental Health for staff time associated with the drinking water source assessment and protection program, **Approved.**
- B-10 **RESOLUTION NO. 2002-504**, amending the position allocation list for Budget Unit 3000 - Public Health Department, adding one half-time limited-term Deputy County Health Officer, to fulfill the requirements of the State Bio-terrorism Preparedness Plan and perform miscellaneous physician duties for the Public Health Department, **Approved.**

Public Works Items:

- B-11 Request to approve: 1) San Luis Obispo County Flood Control and Water Conservation District Zone 9 Cooperative Maintenance agreement with the City of San Luis Obispo; and 2) a corresponding budget adjustment in the amount of \$69,165; 2nd, 3rd, 4th and 5th Districts, **Approved.**
- B-12 The following parcel map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map, and:
- A. CO 00-0077, a proposed subdivision resulting in 4 lots, by Dennis and Margaret Allen and Floyd and Barbara Campbell, Lopez Drive at Hondonada Road, east of Arroyo Grande, reject the offer of dedication for public utility, drainage and slope easements, without prejudice to future acceptance, **Approved**, and **RESOLUTION NO. 2002-505**, an open space easement agreement; 4th District, **Adopted.**

Other Items:

- B-13 Agreement (Clerk's File) with California Shock/Trauma Air Rescue and approve a corresponding budget adjustment in the amount of \$32,000 to cover expenditures as a result of the agreement, **Approved.**
- B-14 Submittal of 11 resolutions approving land conservation contracts and amendments to contract (Clerk's File) pursuant to the California Land Conservation Act of 1965:
- A. **RESOLUTION NO. 2002-506**, B. Eyraud, et al., Adelaida Agricultural Preserve No. 35; 1st District, **Adopted.**
- B. **RESOLUTION NO. 2002-507**, S. Varian, Edna Valley Agricultural Preserve No. 11, Amendment No. I ; 3rd District, **Adopted..**
- C. **RESOLUTION NO. 2002-508**, J. Holloman, Paso Robles Agricultural Preserve No. 24; 1st District, **Adopted.**
- D. **RESOLUTION NO. 2002-509**, T. and C. Hinkle, El Pomar Agricultural Preserve No. 49, Amendment No. 1; 1st District, **Adopted.**
- E. **RESOLUTION NO. 2002-510**, C. and J. Lenet, Cayucos Agricultural Preserve No. 36, Amendment 2; 2nd District, **Adopted.**
- F. **RESOLUTION NO. 2002-511**, J. Meier, Carrizo Plain Agricultural Preserve No. 22; 5th District, **Adopted.**
- G. **RESOLUTION NO. 2002-512**, SDS Family Trust, Cayucos Agricultural Preserve No. 42; 2nd District, **Adopted.**
- H. **RESOLUTION NO. 2002-513**, R. and S. Soto, Cambria Agricultural Preserve No. 42; 2nd District, **Adopted.**
- I. **RESOLUTION NO. 2002-514**, R. Sakamoto, et al., Oso Flaco Agricultural

Preserve No. 1; 4th District, **Adopted.**

- J. **RESOLUTION NO. 2002-515**, K. Wels and D. Loomis, et al., Arroyo Grande Agricultural Preserve No. 12; 4th District, **Adopted.**
- K. **RESOLUTION NO. 2002-516**, R. and E. Little, El Pomar Agricultural Preserve No. 30; 1st District, **Adopted.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

- B-15 Extend action initiated June 18, 2002 authorizing the excavation and disposal of contaminated soil from the New Government Center building site, **Approved.**
- 3 C-1 This is the time set for hearing to consider the review of the Public Facilities Fees program for the period from 2000 to 2002 and a possible increase in the amount of the fees to reflect a 5.8% increase based on the Consumer Price Index; All Districts.

Ms. Pat Beck: Planning, presents the staff report; indicates this program is approximately 10 to 11 years old; states the report before the Board is for the period from 2000 to 2002; indicates staff recommends the Board consider a possible increase in the amount of the fees to reflect a Consumer Price Index of 5.8% for the 1999-2000 thru 2001-2002 period and a comprehensive review of the program.

Supervisor Ryan: states he would like to see the Santa Margarita Fire District benefit from the Public Facility Fees and would like this looked at in the comprehensive review.

Mr. George Gibson: states he would like the Board to consider two things: 1) the Government Code requires that these reports be done within 180 days of the close of the fiscal year and indicates two of these reports are late; and, 2) requests that the Planning Department incorporate the audit report that was done on this program, approximately two years ago, in their comprehensive review.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:

AYES: Supervisors Ovitt, Achadjian, Pinard, Ryan, Chairperson Bianchi
NOES: None
ABSENT: None

the Board has considered the 1999-2000, 2000-2001 and 2001-2002 annual reports for the Public Facilities Fees Program and the possible increase in the fees to reflect a 5.8% increase based on the Consumer Price Index for the period; directs staff to propose a budget item in the 2003/2004 budget to provide for a comprehensive review of the Public Facilities Fee Program and RESOLUTION NO. 2002-517, resolution of the Board of Supervisors of the County of San Luis Obispo amending Public Facilities Fees and adopting amendments to the "San Luis Obispo County Public Facilities Financing Plan for Unincorporated Area Facilities, adopted.

4

D-1 This is the time set for consideration of a request to issue a Request for Proposal for a new Countywide financial and human resource system.

Mr. Gere Sibbach: County Auditor-Controller, introduces the item.

Mr. Bill Estrada: Auditor-Controller Department, presents a brief history of the current system; indicates when it was installed in 1974 it was a state of the art system, however, today the system is overloaded; addresses the deficiencies of the current system; indicates Government Finance Officers Association (GFOA) Consulting Services addressed the need for a new financial system in a report they recently completed; the GFOA also suggested the County seek a complete packaged solution by purchasing an Enterprise Resource Planning System (ERP); addresses the benefits of the ERP system; speaks to the projected cost; recommends the Board direct the Auditor-Controller and County Administrative Officer to issue a Request for Proposal (RFP) for a Countywide ERP system and return to the Board with a recommendation; further, encourages department heads to support the required staff commitment to participate in the evaluation and selection of a Countywide ERP system.

Board Members: discuss various issues, comments and concerns regarding: implementation costs being one time costs; the time frame for implementation; funding for implementation and monies being set aside for this project; public access information; checking other county systems to make sure the system is user friendly and does what it was advertised to do, with Mr. Sibbach responding.

Mr. Noel King: Public Works Director, compares the current Financial System to the Lopez Water Treatment Plant, indicating when it was built it met all State qualifications and operational needs however, it is now out dated; encourages the Board to move forward with the Request for Proposal.

Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board directs the Auditor-Controller and County Administrative Officer to issue a Request for Proposal (RFP) for a Countywide ERP system, evaluate responses, and return with a recommendation to the Board. Further, the Board encourages department heads to support the required staff commitment to participate in the evaluation and selection of a Countywide ERP system.

5

E-1 This is the time set for consideration of a request by the San Luis Obispo Housing Trust Fund for startup and operating costs and submittal of a resolution declaring that persons and families of low or moderate income in San Luis Obispo County are financially distressed by high housing costs relative to their incomes and that the San Luis Obispo Housing Trust Fund can facilitate development of needed affordable housing; All Districts.

Mr. Dana Lilley: Planning, presents the staff report; states in February 2002 a group from the San Luis Obispo Housing Trust Fund appeared before the Board requesting the County consider financially participating in a housing trust fund; indicates at that time the Board directed staff to look into how funding could be provided by the

County; addresses other funding sources; states the Housing Trust Fund Group is asking the County to contribute \$225,000 to enable the trust fund to operate for a two year period initially; staff is only recommending \$175,000 matching dollar for dollar with other cities or sources; states the resolution is to help the creation of a new non-profit organization that would run the Housing Trust Fund.

Mr. David Edge: County Administrator, states the concept of a trust fund is a good one if it does two basic things: 1) creates a regional program that all the local agencies participate in and 2) it can generate more resources going toward housing than the currently existing programs; indicates affordable housing issues are more of a problem for the urban areas than they are for the unincorporated areas and therefore inequity should come at a 50/50 match in which the Board would put up money to be part of a shared program and to the extent that the cities are willing to also put up money.

Board Members: discuss various issues, comments and concerns regarding: why staff is recommending \$175,000 instead of \$225,000; communications with the cities regarding their participation; and, housing in perpetuity, with staff responding.

Ms. Anita Robinson: San Luis Obispo Housing Trust Fund Steering Committee Chairperson, addresses accessing alternate sources of funding and the long-term viability of the organization through a dedicated revenue source; speaks to leveraging a private trust fund rather than a fund in the County; addresses their proposed two year budget.

Board Member: questions the amount of money for the match; and, a commitment from other jurisdictions, with Ms. Robinson responding.

A motion by Supervisor Ryan, seconded by Supervisor Ovitt to approve the staff recommendation using the amount of \$225,000 and to have a dollar for dollar match, is discussed.

Supervisor Ovitt: feels the funds should be guaranteed but not turned over without proof of a management organization (501C3) with a 50/50 match; indicates terms of performance measures and anticipated results need to be included ahead of time; questions if the contract would come back to the Board, with staff responding.

Supervisor Ovitt: indicates his second will stand if Supervisor Ryan acknowledges that some of these things will need to be part of a contractual arrangement with the management organization, with Supervisor Ryan agreeing.

Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi
NOES: None
ABSENT: None

the Board directs staff to prepare the necessary budget appropriation to facilitate provisions of funding to the San Luis Obispo Housing Trust Fund for

startup and operational costs in incremental amounts equal to matching funding committed from local cities or other sources, but not to exceed \$225,000 and RESOLUTION NO. 2002-518, resolution declaring that persons and families of low or moderate income are financially distressed by high housing costs relative to their incomes and that the San Luis Obispo Housing Trust Fund offers a method to facilitate creation of the needed affordable housing through locally-generated financial resources, adopted.

6 F-1 This is the time set for consideration of a resolution adopting an Integrated Pest Management Program for County maintained facilities.

Mr. Bob Lilley: Agricultural Commissioner, introduces the item and Mr. Richard Little, Deputy Agriculture Commissioner.

Mr. Little: states historically that the County has used the services of outside pest control companies to apply pesticides or County employees took care of pest problems themselves; indicates the Agricultural Department originally serviced eight building and has added forty-four buildings in the last three years; describes pest control techniques and the Integrated Pest Management Program; addresses the employee educational portion of the program; addresses risk liability and the savings from this program; urges the Board to accept the resolution.

Ms. Sandra Sarrouf: ECOSLO, thanks the staff and the Board for their dedication in reducing the use of pesticides in county facilities; addresses her concerns for the long-term implications; suggests a work group be put together consisting of interested community members and agencies to ensure the continuance of this program.

Chairperson Bianchi: hands the Clerk a letter in support of this program from Mr. Duane Leib, General Services Director.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and on the following roll call vote:

AYES: Supervisors Achadjian, Ovitt, Pinard, Ryan, Chairperson Bianchi
NOES: None
ABSENT: None

RESOLUTION NO. 2002-519, resolution proclaiming adoption of an Integrated Pest Management Program for County maintained facilities, adopted.

7 CS The Board announces it will be going into Closed Session regarding:

I. PENDING LITIGATION (Gov. Code, § 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) 1) *In re PG&E Bankruptcy*, 2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, 3) *NRC Proceedings Concerning*

Spent Fuel, 4) Lum v. County of San Luis Obispo and ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.) 7) Berge v. County of San Luis Obispo.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) 5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases 2.* Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.*

Chairperson Bianchi: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

9 PC This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Lionel Johnston: addresses his concern regarding the erosion on Old Creek Road above Whale Rock Reservoir; states there is a broken drain pipe 2.3 miles up from Highway 1 that needs to be fixed or it will collapse; indicates this is a dangerous road and hopes the Board will contact the Public Works Department so that it will put it on their priority list.

Chairperson Bianchi: states she will forward Mr. Johnston's letter to the Public Works Department.

Mr. Gary Fowler: states he wants to wish the Board a Merry Christmas and Happy Holiday. **No action taken.**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 10, 2002, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 12/17/2002

